

TO: Chairman and Members

DATE: September 9, 2010

**SUBJECT: Minimum Standards for Local Detention Facilities,
Titles 15 and 24, California Code of Regulations;
Request to Begin Regulations Review and
Revision Process**

AGENDA ITEM: 7

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Allison Ganter

Summary:

The Corrections Standards Authority (CSA) is mandated by Penal Code Section 6030 to establish and review minimum standards for local adult detention facilities. To comply with this requirement, staff is requesting approval to begin the adult regulations review and revision process. Staff is requesting that the chairman appoint a CSA member to chair an Executive Steering Committee (ESC) to oversee the process.

Background:

The CSA is mandated under Penal Code Section 6030 to establish and review minimum standards for local adult detention facilities. The regulations to be reviewed include minimum standards related to operational procedures, programs, health care, nutrition, sanitation, planning and design for locally operated adult detention facilities. These regulations are located in Titles 15 and 24, California Code of Regulations.

One of the CSA's abiding tenets is that a majority of the standards we promulgate are *performance-based* rather than *prescriptive*. *Performance-based* standards allow counties that operate local adult facilities to develop policies and procedures that comply with the regulations based upon their uniqueness in size, configuration, design and management philosophy.

The CSA has always held three very basic beliefs. They are:

- first, that its role is to engage constituents and other stakeholders in the promulgation of regulations that will govern their quality of service delivery;
- second, that it is critically important to use the knowledge and wisdom of the past to guide this ongoing process of incremental improvement; and
- third, that the standards need to provide a clear baseline of performance while allowing sufficient flexibility for each jurisdiction to comply with these regulations.

The intent of the regulations review is to:

- meet the legislative mandate;
- refine and clarify issues that have developed in the field;
- identify any new issues that might have arisen regarding needed improvements in current regulations; and
- meet the needs of California and its rapidly growing and changing local detention system.

The CSA's regulations revision process includes an ESC, members of which are policy makers in local corrections, input from the field, staff review and public hearings. Typically, the CSA empowers the ESC to designate workgroups to provide expert input, address technical aspects, provide guidance in the overall process and to make recommendations to the CSA regarding any proposed revision.

Staff recommends that the proposed regulations revision process begin immediately following this meeting beginning with the appointment of a Board member as Chair of the ESC. With CSA approval, staff will meet with the Chair in October, 2010 to develop a list of potential ESC members and formalize the tentative timeline for the process (**Attachment A**). Recommendations would be presented to the CSA during its scheduled January, 2011 CSA meeting.

With CSA approval, the ESC will meet and develop a strategy to continue the process. One or more workgroups consisting of subject matter experts are typically formed to address identified issues, review the regulations, and return with recommendations to the ESC. The ESC will refine these recommendations and come before the CSA with final recommendations for any revisions. After a comprehensive public review process, the CSA will accept, reject or modify the recommendations and submit the Title 15 (operational) regulations to the Office of Administrative Law and the Title 24 (physical plant) regulations to the Building Standards Commission for approval before the new standards are published. Based upon past experience, staff projects the effective date of the revised Title 15 regulations to occur in April 2012. The Title 24 regulations are projected to be effective in October 2012.

Recommendation/Action Needed:

Staff recommends:

1. The CSA direct staff to begin the local adult detention facilities regulation review and revision process.
2. The CSA appoint a Board member to chair the ESC.
3. The CSA empower the chair of the ESC to develop a list of recommended ESC members and a proposed timeline for consideration at the January, 2011 CSA meeting.

ADULT TITLES 15 AND 24 REVIEW AND REVISION PROCESS 2011-2012 TENTATIVE TIMELINE

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|------------------------|--|
| September 9, 2010 | <ul style="list-style-type: none"> · Corrections Standards Authority meeting · Permission to begin process · Appoint Executive Steering Committee Chair |
| October 2010 | <ul style="list-style-type: none"> · Letter to field |
| October 2010 | <ul style="list-style-type: none"> · Meet with Executive Steering Committee Chair · Recommendations for Executive Steering Committee membership · Discuss revision process and finalize timeline |
| January 2011 | <ul style="list-style-type: none"> · Corrections Standards Authority meeting · Approve membership of Executive Steering Committee · Approve timeline and approach |
| February 2011 | <ul style="list-style-type: none"> · Executive Steering Committee meeting · Organizational and priority setting · Clarify number of workgroups, their roles and tentative composition |
| March/April 2011 | <ul style="list-style-type: none"> · Workgroups meet |
| April/May 2011 | <ul style="list-style-type: none"> · Workgroups meet (if necessary) |
| June 2011 | <ul style="list-style-type: none"> · Executive Steering Committee meeting · Workgroup presentations · Finalize recommendations |
| July 2011 | <ul style="list-style-type: none"> · Corrections Standards Authority meeting · Executive Steering Committee recommendations · Finalizes proposed revisions · Permission to submit to the Department of Finance, Office of Administrative Law and Building Standards Commission for purpose of commencing public comment period |
| July 2011 | <ul style="list-style-type: none"> · Submit Economic Statement to Department of Finance for review |
| August 2011 | <ul style="list-style-type: none"> · Submit notice package to Office of Administrative Law and Building Standards Commission · Publication date in California Regulatory Notice Register |
| September/October 2011 | <ul style="list-style-type: none"> · 45-day public comment period |

ADULT TITLES 15 AND 24 REVIEW AND REVISION PROCESS 2011-2012 TENTATIVE TIMELINE

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| October 2011 | · Public hearing, location TBA |
| November 2011 | <ul style="list-style-type: none"> · Corrections Standards Authority meeting · Review public testimony and public hearing comments · Approval for 15-day public comment period (if necessary) |
| December 2011 | · 15-day public comment period (if necessary) |
| January 2012 | <ul style="list-style-type: none"> · Corrections Standards Authority meeting · Draft regulations presented for adoption · Permission to submit to the Office of Administrative Law and Building and Standards Commission |
| February 2012 | · File regulations with Office of Administrative Law and Building Standards Commission |
| March 2012 | · Office of Administrative Law and Building Standards Commission approval/disapproval notice |
| April 2012 | · Title 15 and Title 24, Part 1 regulations become effective |
| October 2012 | · Title 24, Part 2 regulations become effective |